

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF OKLAHOMA**

KARL FONTENOT,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-16-69-JHP-SPS
)	
JOE ALLBAUGH, Director,)	
)	
Respondent.)	

**MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO SECOND
AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

Comes now the Respondent, through Counsel, and respectfully asks for an extension of time to file a Response to Petitioner's *Second Amended Petition for Writ of Habeas Corpus*. Respondent requests an additional fourteen (14) days, or until April 29, 2019, in which to file the Response. In support of this Motion, Respondent shows the Court the following:

1. Pursuant to this Court's order, the Response to Petitioner's *Second Amended Petition for Writ of Habeas Corpus* is due to be filed on April 15, 2019.

2. No previous extension has been requested of this Court by Respondent to file a response to Petitioner's *Second Amended Petition for Writ of Habeas Corpus* [Doc. 123].

3. Counsel for Respondent spoke to Counsel for Petitioner on April 12, 2019, concerning the instant Motion. Counsel for Petitioner has no objection to this Court granting Respondent a fourteen day extension of time (or until April 29, 2019) to respond to the *Second Amended Petition for Writ of Habeas Corpus*.

4. This past Tuesday, April 9, 2019, this Court held a hearing on Petitioner's Motion for Sanctions. Preparation for this hearing required a great deal of time on the part of co-counsel Mr. Haire and the undersigned, in fact consuming nearly all of our available time in the weeks prior to

the hearing.

5. Co-counsel Haire has been battling a neurological condition for which he previously had brain surgery. This has required Mr. Haire to be out of the office periodically, and has also required frequent doctor visits. Recently, Mr. Haire's painful condition had a resurgence, and on the evening of April 11, 2019, he was rushed to the hospital for emergency surgery.

6. Because Mr. Haire's recovery time is uncertain, the undersigned counsel, Mr. Peeper, will be working on the responsive pleading to Petitioner's *Second Amended Petition for Writ of Habeas Corpus*. In addition to this case, the undersigned has been working a very heavy case load. On February 5, 2019, the undersigned filed a response brief in *Antonio Tiwan Taylor v. State*, Case No. F-2018-359. On February 28, 2019, the undersigned filed a response brief in *Antwain Lee Walker v. State*, Case No. RE-2018-645. On March 14, 2019, the undersigned filed a motion to dismiss in the federal habeas case of *Antonio Dewayne Hooks v. State v. Joe Allbaugh*, Western District Court Case No. CIV-19-008-D. On March 19, 2019, the undersigned filed a brief in the case of *Goldy Romeo McNeary v. State*, Case No. F-2018-360. On April 3, 2019, the undersigned filed a brief in *Charles Michael Cooper v. State*, Case No. F-2018-830. The undersigned has also been working on a response brief in *Christopher Howard Goodson v. State*, Case No. F-2018-276, due on final extension on April 20, 2019. Counsel also reviews the work of a law student and two other attorneys as part of his regular job duties.

7. Petitioner's second amended petition is large and fact-intensive. Due to the above factors, the undersigned has not had an adequate opportunity to prepare a response to Petitioner's *Second Amended Petition for Writ of Habeas Corpus*, and also allow for the mandatory internal review process to take place prior to filing any response in this Court.

8. This request is made in good faith and not for the purpose of delay.

Wherefore, Respondent respectfully requests fourteen (14) days from and after April 15, 2019, to file a response as ordered by this Court.

Respectfully submitted,

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

s/ MATTHEW D. HAIRE
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ THEODORE M. PEEPER